

Officer Report

Case Reference: OTH/2026/0562
Location: 28 LONSDALE AVENUE, ROCHDALE, OL16 5HP
Proposal: Application for non-material amendment to planning permission 24/00108/HOUS to include a 1.1m obscure balustrade and 1.5m opaque privacy screen on the existing flat roof terrace
Recommendation: Refuse
Officer: Bob Melling

SITE

The application relates to no. 28 Lonsdale Avenue, a two-storey semi-detached dwelling located in a residential neighbourhood in Kingsway. The dwelling is adjoined by no. 26 Lonsdale Avenue to the south-west, adjacent to no. 30 Lonsdale Avenue to the north-east, and faces the highway to the north-west. The rear curtilage boundary backs onto the land of St. Peter's C of E Primary School to the south-east. The property benefits from a detached single garage to the side of the dwelling.

PROPOSAL

The application seeks a non-material amendment to planning permission 24/00108/HOUS. The alteration would see the flat roof of the approved extension converted into an enclosed roof terrace.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

National Guidance

National Planning Policy Framework (NPPF) – December 2024

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

24/00108/HOUS: Two storey side, part-two, part-single storey rear extension, addition of Juliet balcony to the first-floor rear elevation and single storey front porch

extension following demolition of existing detached garage - Grant subject to conditions.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ANALYSIS

Paragraph 002 of Section 17a of the National Planning Practice Guidance (NPPG) states:

"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990."

Therefore, the purpose of the application is to seek the Local Planning Authority's determination as to whether the proposed amendment is non-material in the context of the planning permission already granted. Non-material amendment applications are not applications for planning permission and may only be used where the proposed changes would not materially alter the nature, scale, or impact of the approved development.

The approved development relates to a *"Two storey side, part-two, part-single storey rear extension, addition of Juliet balcony to the first-floor rear elevation and single storey front porch extension following demolition of existing detached garage."* The current application seeks to amend the approved scheme to allow the use of a flat roof area as a first-floor roof terrace enclosed by an obscurely glazed balustrade which would be 1.5m in height along the side elevation and 1.1m in height along the rear elevation.

The proposed amendment would introduce a form of development that was not assessed as part of the original planning application. Whilst the approved scheme included a Juliet balcony, this does not provide any external amenity space and is materially different in planning terms from a usable roof terrace. The creation of a roof terrace would introduce a new area of outdoor accommodation capable of regular occupation and would give rise to planning considerations relating to overlooking, privacy, noise and general residential amenity that were not relevant to, or assessed under, the original permission.

Furthermore, the introduction of a roof terrace would materially alter the description and nature of the approved development. The proposal would no longer solely

comprise extensions and the provision of a Juliet balcony but would also include the formation of an elevated external amenity area.

Given the nature of the proposed change and the potential for materially different impacts from those previously assessed, the amendment cannot reasonably be regarded as non-material within the meaning of Section 96A of the Town and Country Planning Act 1990. The proposal would represent a material alteration to the approved development and would therefore require the submission of a planning application under the appropriate statutory procedure.

Summary

The proposed use of the approved flat roof as a first-floor roof terrace would introduce a new and materially different element of development that was not considered as part of the original planning permission. The amendment would alter the nature of the approved scheme and give rise to additional planning considerations, particularly in respect of residential amenity. As such, the proposed amendment is considered to constitute a material amendment to the approved development and cannot be accepted as a non-material amendment under Section 96A of the Town and Country Planning Act 1990. The application is therefore recommended for refusal.

RECOMMENDATION: REFUSE

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Refusal(s) (1)

- 1 In accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015, the proposed use of the approved flat roof as a first-floor roof terrace cannot be considered a non-material amendment to the existing planning permission. The proposal would introduce a new area of external amenity space that was not assessed as part of the approved scheme and would give rise to materially different planning considerations, including potential impacts upon privacy and residential amenity. The proposal would also materially alter the nature of the development as approved, which included a Juliet balcony but not a usable roof terrace. The amendment is therefore considered to constitute a material change to the approved development and cannot be accepted under Section 96A of the Town and Country Planning Act 1990. The proposal will require the submission of a planning application under the appropriate statutory procedure.

1 For the avoidance of doubt, this decision notice relates to the following submitted plans:

- Amended Rear and Side Elevation. Dwg no. 2020/4
- Proposed Floor Plan First Floor. Dwg no. 2020/4
- Proposed Rear and Side Elevation First Floor Plan. Dwg no. 2020/4